

REMARKS

Claim Objections

Claims 2 and 11 have been objected to because the acronyms WFQ and SEFF must be spelled out. Applicant has amended the claims and respectfully requests that this objection be withdrawn.

Claim Rejections

Claims 3, 14, 15 and 17 — 35 U.S.C. § 112

Claims 3, 14, 15 and 17 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Examiner alleges that the terms (Qi, V(t), F/k-l) are not properly described in the claims and/or specification.

Applicant submits that amendments to the claims and specification overcome this rejection and respectfully requests that the rejection be withdrawn.

Claims 1, 2 and 8-10 — 35 U.S.C. § 102(e)

Claims 1, 2 and 8-10 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. Pub. No. 2004/0170186 to Shao *et al.* ("Shao"). Applicant traverses this rejection.

Addressing claim 1, Shao does not disclose or suggest at least wherein if the packet of the classified stream is a first packet, storing the packet in a first stream queue, and if the packet of the classified stream is a subsequent packet, storing the packet in a second stream queue, as recited in the claim. As disclosed by Shao, traffic streams are classified according to quality of service parameters, for example delay and packet loss, before being queued (paragraphs [0043-

0044])). Thus, Shao is silent as to storing a first packet in a first stream queue and storing subsequent packets in a second stream queue as recited in the claim.

Accordingly, claim 1 is patentable over Shao. Claims 2 and 8-10 are patentable at least by virtue of their dependence.

Claims 4, 11, 12 and 18-20 — 35 U.S.C. § 103(a)

Claims 4, 11, 12 and 18-20 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Shao in view of U.S. Pat. No. 6,693,913 to Chiussi *et al.* ("Chiussi"). Applicant traverses this rejection.

Addressing claim 11, the combination of Shao and Chiussi does not disclose or suggest at least wherein if the packet of the classified stream is a first packet, storing the packet in a first stream queue, and if the packet of the classified stream is a subsequent packet, storing the packet in a second stream queue, as set forth in the claim. As established above, Shao does not disclose or suggest at least these features. Chiussi does not cure the deficiencies of Shao.

The Examiner relies on Chiussi to allegedly disclose a smallest eligible virtual finish time first strategy. However, even if Chiussi provides such disclosure, the reference does not disclose or suggest the features missing in Shao. Therefore, even if one of ordinary skill in the art at the time the invention was made had been motivated to combine the references as attempted by the Examiner, the combination still would not result in the features claimed by Applicant.

Accordingly, claim 11 is patentable over the combination of Shao and Chiussi. Claims 12 and 18-20 are patentable at least by virtue of their dependence from claims 11. Claim 4 is patentable at least by virtue of its dependence from claim 1.

Allowable Subject Matter

Applicant thanks the Examiner for the indication that claims 3, 5-7, 13-17 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Since claims 1 and 11 from which claims 3, 5-7 and 13-17 depend are patentable as established above, Applicant submits that these claims are patentable at least by virtue of their dependence.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: June 11, 2008